

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

IN RE: NATIONAL COLLEGIATE
ATHLETIC ASSOCIATION STUDENT-
ATHLETE CONCUSSION LITIGATION,

MDL NO. 2492
Case No. 13-cv-09116

Judge John Z. Lee

Magistrate Judge Weisman

JOINT MOTION FOR ENTRY OF REVISED SCHEDULE

The Settlement Class Representatives and Defendant National Collegiate Athletic Association (“NCAA,” and together with Settlement Class Representatives, the “Parties”) respectfully request that the Court enter a revised schedule for the consideration of final approval of the Second Amended Class Action Settlement Agreement and Release and any requests for payment of attorneys’ fees and costs.¹ In support hereof, the Parties state as follows:

1. On September 29, 2017, the Notice Administrator filed the Declaration of Rachel Christman Regarding Dissemination of Direct Notice (Dkt. #470), representing that the mailing of direct notice had been completed as of August 9, 2017. The Notice Administrator represented that it had mailed postcards to 3,808,577 Class Members and sent email notices to 1,899,635 Class Members (approximately 1,639,470 of which were also mailed postcards), representing outreach to approximately 4,068,742 unique Class Members.

2. After informing the Court of a missed file and pursuant to the Court’s November 13, 2017 Order (Dkt. #481), the Notice Administrator caused the postcard notice to be mailed to

¹ Unless otherwise defined, capitalized terms have the meaning ascribed to them in the Second Amended Settlement Agreement, which is Exhibit 1 to the joint motion for preliminary approval filed with the Court on May 20, 2016. *See* Second Am. Settlement Agt. (Dkt. #266-1).

9,239 Frostburg State University Settlement Class Members on November 14, 2017. The postcard notice was printed on blue paper. That same day, the Notice Administrator caused the email notice to be emailed to 3,605 of the 9,239 Frostburg State University Settlement Class Members for whom the Notice Administrator also had email addresses. The background of these email notices was light blue. *See* Updated Declaration of Rachel Christman Regarding the Dissemination of Direct Notice and Audit of Direct Notice Program (“Updated Christman Decl.”) (Dkt. #496), ¶18.

3. Since that time, the Notice Administrator has conducted a full audit of each data file submitted by an NCAA member institution, which resulted in the discovery of 74,706 records for which notice was inadvertently not sent (approximately 1.8% of the valid Settlement Class Member information provided to Gilardi) (“Residual Settlement Class Members”). These records span 28 files submitted by 27 NCAA member institutions. *See* Updated Christman Decl., ¶3.

4. The Notice Administrator has represented that once the Court has set a new schedule, the postcard notice and email notice will be mailed to the Residual Settlement Class Members within 10 business days. After consulting with the Notice Administrator, the Parties propose that the postcard and background of the new notices be yellow.

5. Accordingly, the Parties propose the following schedule. First, other than a new date for the Fairness Hearing, the September 15, 2017 deadline to file objections or requests for exclusion contained in the Court’s August 1, 2017 Minute Order (Dkt. #432) shall continue to apply to all Settlement Class Members except for Frostburg State University Settlement Class Members and Residual Settlement Class Members.

6. Further, other than a new date for the Fairness Hearing, the January 16, 2018 deadline to file objections or requests for exclusion contained in the Court's November 13, 2017 Order (Dkt. #481) shall continue to apply to all Frostburg State University Settlement Class Members.

7. The Parties further propose that the following deadlines be set for the Residual Settlement Class Members (*i.e.*, those Settlement Class Members who will receive a yellow postcard and/or yellow email notice):

Action	Proposed Date
Postcard notices mailed to Residual Group	By March 23, 2018
Deadline for Settlement Class Members <i>in the Residual Group</i> to object to or opt out of the Settlement	June 8, 2018
Deadline for any objections or responses to the petitions for attorneys' fees and costs by Settlement Class Members <i>in the Residual Group</i>	June 8, 2018
Notice Administrator shall file with the Court the amended Opt-Out List with an affidavit attesting to the completeness and accuracy thereof	June 27, 2018
Notice Administrator shall file an amended declaration with the Court concerning implementation of the Notice program and other terms of the Settlement	June 27, 2018
Deadline for filing supplement to the Motion for Final Approval of the Settlement, or to otherwise respond to objections. <i>These filings will solely address objections made by the Residual Group.</i>	June 27, 2018

Fairness Hearing	To be set by the Court for a date on or after July 27, 2018
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WHEREFORE, the Settlement Class Representatives and the NCAA respectfully request that the Court enter the revised schedule and any further relief the Court deems appropriate.

Respectfully submitted,

Dated: March 5, 2018

HAGENS BERMAN SOBOL SHAPIRO LLP

By: /s/ Steve W. Berman

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CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby certifies that on March 5, 2018, a true and correct copy of the foregoing was filed electronically via CM/ECF, which caused notice to be sent to all counsel of record.

By: /s/ Steve W. Berman
Steve W. Berman